

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 27

October 10, 2002

SUBJECT: REQUESTING AN INCREASE IN BAIL - REVISED

PURPOSE: Section 1269c of the California Penal Code was amended to include a warrantless arrest for the misdemeanor offense of violating a domestic violence restraining order as another type of offense eligible for an increase in bail. This legislation authorizes peace officers to request an increase in bail when there is reasonable cause to believe the scheduled bail amount is insufficient to assure the defendant's appearance or to assure the protection of a victim, or family member of a victim, of domestic violence.

This Order informs employees of the changes in the law and revises the Department Manual accordingly.

PROCEDURE:

REQUESTING AN INCREASE IN BAIL - REVISED. Currently the Department has procedures for increasing bail in felony cases described in Manual Section 4/680.45. An officer may request a bail deviation on a felony arrestee who has not yet been arraigned, when aggravating circumstances (i.e., flight risk, danger to society, etc.) exist, and the charge is neither a warrant or a violation of a (non-domestic violence) restraining order. In addition to these existing procedures a bail deviation shall be requested when the defendant was arrested without a warrant and,

- * The Defendant was arrested for a misdemeanor offense of violating a domestic violence restraining order; and,
- * The officer has reasonable cause to believe that the scheduled bail amount is insufficient to assure the defendant's appearance or to assure the protection of a victim, or family member of a victim, of domestic violence.

AMENDMENTS: This Order amends Section 4/680.45 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Detective Services Group, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

MARTIN H. POMEROY
Chief of Police

DISTRIBUTION "D"